

### **REMARK**

Applicants elect **Group IV** for prosecution. Applicants respectfully request that the Examiner withdraw the species election as these species are all mutations of the AIPL1 encoding or regulatory sequence and the databases are such that the search should not represent a burden to the Examiner as the searches are now high automated.

Moreover, the mutation are specific and represent a location of sites in the AIPL1 encoding or regulatory sequence that represent potentially signatures of a retinal disease. The sites can occur individually or collectively (one or more). Thus, a search for one may well additional identify other members of the group of species. It would appear to the Applicants that a single search for the sequences individually and collectively would be a better course of action minimizing the Examiner time and critical client assets. This is especially true in light of the new patent term.

Applicants, therefore, request withdrawal of the individual species election. If the Examiner is still set on vastly increasing the cost of prosecution of this case and vastly decreasing prosecution efficiency, then Applicants elect **Trp278X** mutant.

Applicants assert that all of the elected claims are covered by the election.

**Applicants formally request that if a generic claim is deemed patentable for the Trp278X mutant, then the Examiner search and examine all of the other non-elected species: Ala336Δ2, Cys239Arg, M79T, L88X, V96I, T124I, P376S, Q163X, A197P, IVS2-2, G262S, R302L, P351D12, Cys42X (TGT -> TGA), Val33ins 8 bp (GTGATCTT), Leu257del 9 bp (CTCCGGCAC) and mixtures and combinations thereof with Trp278X as required by the MPEP.**

If you have any questions, please call me at 713.977.7000.

Respectfully Submitted,

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